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APPLICATION NO..	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,061	09/15/2003	Mazda A. Marvasti	068014-0011	3258

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EXAMINER

POWERS, WILLIAM S

ART UNIT	PAPER NUMBER
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2134

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/664,061

Applicant(s)

MARVASTI, MAZDA A.

Examiner

William S. Powers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 5, 16, 18, 23 and 25 contain the trademark/trade name Java.

Claims 6, 7, 12 and 13 contain the trademark/trade name Secure Shell.

Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a programming language in the case of Java and a security protocol in the case of Secure Shell and, accordingly, the identification/description is indefinite.

As to claim 18, it appears that limitation of the claim requires

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,061,349 to Coile et al. (hereinafter Coile) in view of US Patent No. 6,738,909 to Cheng et al. (hereinafter Cheng).

As to claims 1, 27 and 28, Coile teaches:

- a. Obtaining host and port addresses of the second server (Coile, column 4, lines 13-25).

Coile does not expressly mention using tunneling protocols. However, in an analogous art, Cheng teaches:

- b. Establishing a secure tunnel from the first server to the second server (Cheng, column 3, lines 30-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the communications method of Coile with the secure tunneling of Cheng in order to configure "secure connections between nodes in a distributed data processing system" as suggested by Cheng (Cheng, column 1, lines 15-16).

Coile as modified further teaches:

- c. Generating random host and port addresses at the first server (Coile, column 4, lines 13-45).
- d. Mapping the random host and port addresses to the host and port addresses of the second server (Coile, column 4, lines 60-67).
- e. Connecting the first application to the random local host and port addresses (Cheng, column 3, lines 11-36).

As to claims 2 and 19, Coile as modified teaches the first application comprises database application monitoring software (Cheng, column 6, lines 37-54).

As to claims 3 and 20, Coile as modified teaches the second application comprises a database application (Cheng, column 6, lines 37-54).

As to claims 5 and 18, Coile as modified teaches the first application comprises a Java program (Cheng, column 4, lines 58-62).

As to claim 8, Coile as modified teaches obtaining the host and port addresses of the second server, establishing the secure tunnel, generating the random host and port addresses and mapping the random host and port addresses are performed by a computer program (Coile, column 7, lines 44-53).

As to claim 9, Coile as modified teaches the computer program comprises the first application (Coile, column 7, lines 44-53).

As to claim 10, Coile as modified teaches sending a connection request from the first application to the second application (Cheng, column 6, lines 55-67).

As to claim 11 Coile as modified teaches:

- a. Establishing a secure tunnel between the local server and the remote server (Cheng, column 3, lines 30-36).
- b. Mapping a random host and random port on the local server to a secure host and port on the remote server (Coile, column 4, lines 60-67).
- c. Transmitting a connection request from the first application on the local server to the random host (Cheng, column 3, lines 11-36).
- d. Forwarding the connection request from the random of the random host over the secure tunnel to the secure host on the remote server (Cheng, column 3, lines 11-36).

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- e. Transmitting the connection request from the secure host to the second application (Cheng, column 3, lines 11-36).
- f. Communicating between the local and remote applications (Cheng, column 3, lines 11-36).

As to claim 14, Coile as modified teaches the establishing; mapping, transmitting and forwarding are performed programmatically (Coile, column 7, lines 44-53).

As to claim 15, Coile as modified teaches the establishing; mapping, transmitting and forwarding are performed by the first application (Coile, column 7, lines 44-53).

As to claim 21, Coile as modified teaches:

- a. A first application (Cheng, column 6, lines 37-54).
- b. A randomly generated host (Coile, column 4, lines 13-45) coupled to the first application, the randomly generated host comprising a randomly generated port (Coile, column 4, lines 13-45) configured to be coupled to the secure tunnel (Cheng, column 3, lines 30-36) and to the remote server (Coile, column 4, lines 13-25).

As to claim 22, Coile as modified teaches the first application is configured to access a second application on the remote server over the secure tunnel (Coile, column 9, line 56-column 10-line 10).

As to claim 23, Coile as modified teaches the first application comprises Java monitoring software (Cheng, column 4, lines 58-62).

As to claim 24, Coile as modified teaches the first application is configured to transmit a connection request via the randomly generated host and port to a second application on the remote server (Cheng, column 3, lines 11-36).

5. Claim 4 and claims 6 and 7 and claims 12, 13, 16 and 17 and claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,061,349 to Coile et al. (hereinafter Coile) in view of US Patent No. 6,738,909 to Cheng et al. (hereinafter Cheng) as applied to claim 3 and claim 1 and claim 11 and claim 24 respectively above, and further in view of US Patent No. 6,486,439 to Spear et al. (hereinafter Spear).

As to claim 4, Coile as modified does not expressly mention the use of Java Database Connectivity (JDBC) protocol to communicate with the database application. However, in an analogous art, Spear teaches the use of JDBC (Spear, column 12, lines 14-31).

Therefore, it would have been obvious to one of ordinary skill in the art to implement the communications system of Coile as modified with the JDBC of Spear in



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order to provide information transfers between nodes on a communications network as suggested by Spear (Spear, column 1, lines 14-22).

As to claims 6 and 7, Coile as modified teaches the use of a Secure Shell tunnel (Spear, column 14, lines 47-61).

As to claims 12 and 13, Coile as modified teaches the use of a Secure Shell server application (Spear, column 14, lines 47-61).

As to claims 16 and 25, Coile as modified teaches the use of the JDBC protocol (Spear, column 12, lines 14-31).

As to claims 17 and 26, Coile as modified teaches the second application comprises a database application (Cheng, column 6, lines 37-54).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William S. Powers whose telephone number is 751 272 8573. The examiner can normally be reached on m-f 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



3/19/2007

William S. Powers  
Examiner  
Art Unit 2134



KAMBIZ ZAND  
PRIMARY EXAMINER